

13  
A CRY against a Crying Sinne :

O R,

A just Complaint to the Magistrates, against  
them who have broken the Statute Laws of God,  
by killing of men meerly for Theft.

MANIFESTED

In a Petition long since presented to the Common  
Council of the City of London, on the behaile of  
Transgressours.

Together with certaine Proposals, presented by Col. Pride  
to the Right Honourable the generall Council for the Army, and the  
Committee appointed by the Parliament of England, to  
consider of the inconveniences, mischiefs, chargeable-  
ness, and irregularities in their Law.

JER. 5. 4. 5. 6.

Therefore I said, surely these are poore, they are foolish, for they have  
forgot the way of Jehovah, nor the Judgement of their God.  
I will get me unto the great men, and will speake unto them; for they  
have known the way of Jehovah, the Judgement of their God, but  
they have altogether broken the yoke, and burst the bonds.  
Therefore a Lion out of the Forrest shall slay them, a Wolfe of the  
evenings shall spyle them, a Leopard shall watch over their Cities,  
every one that goeth out thence shall be torne in pieces, because their  
transgressions are many, their back-slidings are strong.

HOSEA 5. 10, 11, 12.

The Princes of Judah were like them that removed the bound: And  
I have sent my wrath upon them like water. Ephraim is oppressed and  
broken in judgement, because he willingly walked after the Com-  
mandement. Therefore will I be unto Ephraim as a Moyle, and to  
the house of Judah as a Rottenesse.

HOSEA 8. 12.

I have written to him the great things of my Law, but they were reck-  
oned as a strange thing.

Printed at London For Samuel Chisley, dwelling in Bowditch,  
at the Signe of the Chequer, 1652.

## The Preface.

**T**His little Book reflecteth upon all those who have broken the Statute Lawes of God, by killing of men meerly for Theft, Let such sinners who are the Judges, or Executioners of such over-much Justice, be ashamed, and confounded for defiling the Land with Bloud; if they hold on this their wonted course, now the light of lawfull Liberty breaketh forth; Will not the Land spue them out? for the earth cryeth against this sin, which cannot be cleansed in an ordinary way without the bloud of him that sheddeth it; This is one of the abominations of the time, for which the Saints ought to mourne.

It is long since this following Petition was presented to *Tho. Andrewes* Esquire, the then Lord Mayor, and to the Aldermen, and Common Counsell, but had they done but their duties, I had no need to print and publish these Books in Red Letters, and present the same to them in the midst of their jollity, and to the learned Judges of the Land, yea to the Commissioners of Oyer and Terminer, and Goale delivery, at the Sessions at Newgate, before whom I appeared, to put them in minde of their duty, and of the Law of God, which they had forgotten, and rested too much upon an arme of flesh; yea, if they had done what they were bound in conscience to doe, and had observed that most righteous Law to which they were sworne, it would have saved me a labour of going to the Counsell of State, Generall Counsell of the Army, or the Parliament. Now seeing little fruit yet appeare, for the establishing of the Lawes of God in this Nation; (for the lives of men are taken away meerely for unvaluable Trifles) I am once more pressed in spirit to publish the same in manner and forme following, thus sounding an alarme against the workers of iniquity, that they may repent, and turne from their evill wayes; so delivering my soule, and clearing my selfe of that bloud-guiltinesse which lyeth upon others, and specially upon rich men, who are called

called to weepe and bewle for the miseries that shall come upon them; For the bread of the needy is the life of the poore, and he that defraudeth him of it is a Murderer; and the Scripture saith, Thou shalt take no ransom for the life of a Murderer that is guilty of death, but he shall surely be put to death: but I hope that some righteous men will take the matter into serious consideration; these our Endeavours tending not only to the good of those Transgressors who have not deserved death by the Lawes of God, but also of those who put them to death unjustly, lest the Justice of God take hold upon those who are the Cause of it, and that the like punishment he inflicted justly upon them; which they inflict upon others unjustly. And indeed I doe admire that men who profess to be governed by Gods Lawes, and stand against Tyranny, should have a finger in such a worke? Surely such men though they pretend never so much Religion, are not fit to pray, nor to be prayed with; For when they stretch forth their hands, God will hide his eyes, and though they make many prayers, he will not heare them whose hands are full of blood.

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**To the Right Honourable the Lord  
Mayor, Aldermen, and Commons in  
Common Councell assembled.**

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*The mournfull Petition of many Inhabitants of the City of London,  
in the behalf of many thousand Transgressors.*

*Sheweth :*

**T**hat for as much as the righteous God exacteth no more of sinfull man then his iniquities deserveth, no Magistrate is to punish a wicked man for his iniquity beyond the rule of equity; That seeing it is evident that whatsoever is good is of God, and the contrary of Abaddon, and that no mans will though great is good, unlesse it be correspondent to the will of him who is greater then the greatest, nor the Law of any Authority whatsoever, unlesse it be according to the Law of him who is higher then the

Highest. Therefore when great ungodly men have by their owne wile, and inhumaine Lawes for many yeares, destroyed not only the Righteous for conscience sake, but also the wicked undeservedly, this was iniquity to be punished by the Judge, though done by Judges themselves, who by their over-much Righteousnesse, and over-much Wickednesse, the people abetting them, hath brought death and Destruction upon this Land, and the hand of the Lord is stretched out still against this sinfull Nation, and unless they repent they shall surely perish.

That the head of this Land is the sinfull City of London, who instead of bringing forth monthly good for the healing of the Nation, doth bring forth that which tendeth to the destruction thereof, Gray haire being sprinkled here and there upon them, and they not aware, for they consider not how many are destroyed every Month by the Law of man, contrary to the Law of God, who hath declared, that if a Thief be found breaking through (the Sun being risen upon him) and be smitten that he dye, blood shall be shed for him, Exo: 22: 3, from whence it appeareth that those are guilty before the Lord, who take away the life of any man meierly for Stealing, when the Lord requireth that he should make full restitution out of his Estate, or if he have nothing, that he should be sold for his Theft: But contrariwise: their lives are taken away meierly for Stealing, and commonly many though found notorious Theeves, yet have been discharged with little or no punishment either in Person or Purse, to the great damage of those who have lost their goods, and to the imboldening of the Malefactors, and the want of the due execution of the Law of God upon them, and not setting them in a way to make restitution to the Owners, tendeth to the utter destruction both of their Bodies and Soules.

Therefore our desire is, That ye would take these things into serious consideration, and (in your wisdomes) take such a prudent and effectual course, that in the execution of Justice the remedy may not be worse then the disease, like those who kill their wounded Patients, and wound themselves, but that punishment may be equalized proportionable to the Offence, that the Prosecutors, or Executors of the Law may have



have no cause to repent, and that one Witnesse may not rise against any man for any iniquity, but that at the mouth of two or three Witnesses the matter may be established; and that ye would by no means make the wills of any men, or any humane Lawes what soever any vales; for you to walk by, further then you see them agreeable to the holy Will and Word of God, and that ye would according to your power, seek to remove the dishonourable badges of infamy from off your sinful City and Nation, though never so ancient, familiar, common, and customary; and that ye would address your selves to the Parliament for the amending of these things.

And your affectionate Petitioners shall pray.

Here followeth a Letter written to Thomas Andrewes, the Lord Chancellor, by his good Majestie that then was. *Wm. Wadsworth*  
Right Honourable :

I hope your Lordship hath not forgotten our Petition in the behalfe of Transgressors, Christ made Intercession to God for Transgressors, who were guilty of eternall death before God; we make intercession for men who are not guilty of temporall death before men; Divers Petitions have bin promoted in the behalfe of Saints, and it was a very good and acceptable service, this is for sinners whom it may be God will call effectually, For Christ dyed for the ungodly, and received gifts for the Rebels. I have written this inclosed Paper to further the Petition, I desire that my Councel may be acceptable unto your Honour, so long as it is agreeable with Gods Word, and if it be agreeable to your Lordships affection, I hope you will assist in it according to your power, and prosecute it with all your might, and make halle and not delay to keep the righteous Judgements of the God of Judgement, who hath promised to be for a Spirit of Judgement to him that sitteth in Judgement.

Right Honourable, you may be pleased to remember what I said, I know no friend of mine that is guilty of theft, what I have done is in conscience to God, and compassion to my Native Country, and in tender respect to your Honour, that the heave Wrath of God may not fall upon you and the whole Nation; at least that some of the Rods of God may

be taken away, or that some of his Judgements may be stayed, I desire to be a good example to the Sons of men, that they may cleare themselves of blood guiltinesse. I desire your Lordship againe to consider seriously of this inclosed Writing, I have shewed it to iust men, and they approve of it; your Lordship in your wisdom may take Councell of wise men, and of the ancients concerning this matter, and heare what they say thereunto; But above all search the Scripture, for whatsoever is not according to that hath no light in it; and it is a Maxime in Law, that all Lawes which are not according to Gods Law and pure reason, are voyd and null, and if so, then not binding to a Citizen, or to any other under Heaven, and so are no rules for me to walke by, but it is the Word of God, which is binding and yet is not bound.

London-Bridge

June 25th.

1649.

Honourable Sir, I am

Your Lordships humble

Servant.

SAMUELL CHIDLEY.

## Certaine Reasons of weighty consideration

in reference to the Petition to the Common

Councell, in behalfe of Transgressors.

**A**lthough there be ground sufficient enough in the Petition it selfe to evince that no Malefactours life should be taken away meerly for Theft, when the Lord requireth that satisfaction should be made out of his Estate, and if he have nothing; that he should be sold for his Theft, yet because of the ignorance and hardnesse of mens hearts, and their cruelty and revenge, I shall for their regulation propose some things to their consideration.

To take away the life of any man only for Theft as aforesaid, is iniquity, because it is against the rule of equity; it is not good because not of God, it is not correspondent with his Will, it hath no agreement with his most righteous Law, but is inhumane, Bloody, Barbarous, and Tyrannicall, and provoketh the God of Judgement to execute his Judge-

ments upon the Nation that abetteth the same; yet it tendeth to their utter destruction, to destroy men by the Lawes of men, contrary to the Lawes of God, consider I say, how contrary it is to the rule of equity, the blessed and righteous Law of God.

According to the rule of Equity, there is required life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burning for burning, wound for wound, stripe for stripe, Exod. 21. 23, 24, 25. It is not life for eye, but eye for eye; nor eye for tooth, but tooth for tooth; so that if a man require more it is iniquity, Prov. 30. 6. Therefore if a man put out his neighbours eye, strike out his tooth, and bruise his hand, but doth not kill, he ought not to be killed for this, but must loose his eye, and his tooth, and as he hath done to his neighbour, so it must be done to him, as it is written, breach for breach, eye for eye, tooth for tooth, as he hath caused a blemish in a man, so shall it be done to him againe; and he that killeth a Beast shall restore it, and he that killeth a man shall be surely put to death; and the same Lord saith, ye shall have one manner of Law as well for the Stranger, as for one of your owne Country, Levit. 24. 17, 18, 19, 20, 21, 22. The Lord of Life hath expressly declared (and it is knowne to all men living) that the life is more then meat, and the body is more then rayment, Luk. 12. 22. If then the life be more then meat, no mans life should be taken away for meat, much lesse for rayment, which is inferiour; and all things necessary for the temporall life and body of man are comprehended in these termes, food and rayment, Deut. 10. 18. 1 Tim. 6. 8.

The God of the Spirits of all flesh hath declared plainly, in his most just and righteous Law, That if a Thiefe be found breaking through (the Sun being risen upon him) and be smitten that he dye, blood shall be shed for him, Exod. 22. 3. And he renders this reason, for he should make full restitution, and if he have nothing, he shall be sold for his Theft; and the Lord hath not said that he that stealeth food, or rayment, shall be put to death, or that his blood shall be shed; But who so sheddeth mans blood, by man shall his blood be shed, Gen. 9. 6. So then it appeareth, that it is murther by the Law of God to kill a man

man meere for Sealing, when the Lord saith he should make full restitution, and if he have nothing, he shall be sold (not killed) for his Theft; and amongst his statute Lawes hath stated particular cases in this, as well as in other things, and made them so plaine that mean capacities may decide controversies of this nature.

And as there is no precept nor consequence in the Word of God for this unjust practice, so there is no president in *Israel*, but many in *England*, the more is their misery: but as their ancient Father *Austin* saith, *That man is miserable who is not sensible of his misery*, which may wel be applyed unto this sinful and miserable Nation, who are not sensible of the dangerous consequence of this one deadly evill amongst the rest; how unjust a thing it is to kill a man for stealing xliij d. let all men reasonable judge, for so is the Law of this Land, according to which the people are forced to prosecute the Theeves; but in King *Salomons* time men did not despise a Thiefe in some case, *Prov. 6. 30.* And he who is greater then *Salomon*, even the Lord *Jesus Christ* who is the Prince of the Kings of the Earth, hath not given the least hint that hee that stealeth food or rayment should be killed, but he that leadeth into Captivity, shall goe into Captivity, and he that killeth with the Sword, must be killed with the Sword, *Revel. 13. 10.* But concerning Theft it is said, let them that stole steal no more, he doth not say let him be hanged, but rather let him labour with his hands the thing that is good, that he may have to distribute to him that needeth, *Ephes. 4. 28.* And it is expressly commanded, That he that will not worke, neither should he eate, *2 Thes. 3. 10.* Many precepts, presidents, and propositions may be brought to confirme the premises, but this is enough at this time: A word to the wise is sufficient.

*A Letter written the 11. of Decemb.  
1651. by SAMUEL CHIDLEY, To the Right  
Honorable, the Commissioners of Oyer and  
Terminer, and Goale Delivery of  
NEWGATE.*

*Right (Worshipfull and) Honourable,*

**A**lthough I know not any of my acquaintance to be  
guilty of Theft: Yet I seeke to save the lives of the se  
liners whom God would have preserved: And I coming  
downe to this Judgement Seat, it being as free for me as  
another to see justice done: and observing your proceedings  
from the beginning hitherto, how in many things you goe  
against the very letter and equity of the Law of the onely  
Law-maker, by whom, and by which your selves must be  
judged. caused me to call to mind, how that *Great men are  
not alwayes wise, neither doe the aged alwayes understand Judge-  
ment.*

*Right Honourable,* I am sorry to see you goe on still in your  
wonted course, of arraiging men for their lives meerly for  
Theft. I have observed that the persons who are arraigned  
before your Honours are poor labourers, and such creatures  
who stole things of a small value, peradventure for meer ne-  
cessity, yet you arraigne them for their lives, when the Law  
of God requireth their preservation in such a way, that they  
may make satisfaction, and not (if disabled) to force  
them into a necessity of stealing againe, but they are great  
sinners indeed, who rob men of their precious lives. And  
the worst of men are such as despise and destroy Theeves that  
steale, meerly to satisfie their hunger: It seems some of the  
Theeves you will presse, for not holding up their hands at  
your command, or for not answering to that interrogatory  
*Guilty? or not Guilty?* Consider I pray you, how circum-  
stantiall these things are: The weight of Tryals depends  
not hereupon (as I humbly conceive,) For its possible that  
a Murderer, when he is arraigned may want his hands, and

another may be dumb, yet you may proceed to Judgement against him, if sufficient evidence come in, & that the jury, who are Judges in matters of fact, (and if they will, in matters of Law) finde them guilty, surely you must take no ransom for the life of a Murderer, though he cannot, or will not hold up his hand at the Bar, or say that he is Guilty: for by the Law no man is bound to argue himselfe, therefore the guilty person is not bound to say he is guilty, and if he should say, not guilty, what is he the better?

This is my opinion, which I humbly leave to the serious consideration of this Honourable Bench: I would to God that you would try such men by the Lawes of God, who cast themselves upon God and the Country; And oh that you would put the judgements of God in execution! feeling you are his Stewards; all Lawes being subordinate to Gods Lawes, as the Country is to God himselfe, then your tranquillity would be lengthened. Consider what I say in the feare of God, for life is above liberty and estate. The Jewell of one mans life, all your estates cannot ballance. Iooke notice of a passage of the Lord Cheife Justice Rolfe, and it was well observed, how that the Thieves are honest before they come in Goale, and there they become naughty, and learn to lye, by saying not guilty, when they had confessed it before. If it be so, then greatly it is that they should not be in such a place, where they may be put in a way, and course, to make satisfaction according to the direction of the wisdom of God; By whom Princes and Nobles, yea, all the Judges of the earth are said to rule: So leaving these consciencious Dictates to your serious thoughts, I subscribe my selfe,

*Your Humble Servant, Devoted to the feare of God, and service of the Common-wealth, according to the Will of God, and not otherwise.*

Sessions 11. Decemb. in the Samuel Chidley.

year of Christ, 1651.

This Letter was delivered unto the Bench about the third house of the day, where when Mr. Chidley was called, he made answer, and came to the Board, and the Letter was there.

publickly owned by him, as his owne hand-writing, which he would stand by and justifie, it being (as he said) a discharging of his conscience, as a testimony before them all, which he left to their serious consideration; whereupon he was commanded by the Bench to depart, and was put out of the Court, he speaking in the justification of the Statutes of God to be right, and the Precepts of men to be wrong, in taking away mens lives for such triviall matters.

After he was put out, they gave Sentence against the Prisoner at the Bar, who was arraigned for stealing, and would not hold up his hand, nor plead, but besought them that the Letter might be read publickly, that all the Bench might hear, and then, saith he, afterwards I will plead what soever comes of it, whether I live, or dye; but they would not hearken unto him but proceeded, and by the Recorder M. Stiles, who was their Mouth, gave Sentence against him, which was to this effect; That he should goe from thence to the place from whence he came, and be led into a dark room where there was no light, and should be stript naked, only his privy members covered, & his head covered, & his arms to be stretched forth, both on the one side and on the other, as far as they could be stretched, and that he should be laid along on his back, and have as much weight laid upon him, as he was able to beare, and more; And the next day he should have only three morsels of Barly-bread, without any drink, And the day following three draughts of the kernel water running under Newgate, as much as he could drinke, and so to remaine in that condition from day to day till he dyed.

*Plal. 119. 126, 127, 128. It is time for thee LORD to walke, for they have made void thy Law; Therefore I love thy Commandments above gold, yea, above fine gold. Therefore I esteem all thy precepts concerning all things to be right; and I hate every false way.*

**To the Right Honorable the Councell of State.**  
*The humble Petition of Samuel Chidley, to shew*  
**SHEWETH,**

**T**hat your petitioner setting the feare of the LORD of Lords before his eyes, and advancing the Judgement



and Lawes of the God of gods in his heart before the precepts of fraile man, was moved in zeale to his most sacred majesty, to discharge his conscience in the best and most peaceable way he could devise, and accordingly hath given testimony of the truth, at the Judgement seat before the Sessions in the Old Bailey, the eleventh of this month, as may appear unto your Honours by the printed relation hereunto annexed; yet notwithstanding they proceed according to the usuall Custome, which is against the Law of God, the good things contained in the Solemne League and Covenant of the Nation, the Oath of every Free-man of London, Reason it selfe, the witness of Conscience well checked, or rightly rectified and the whole Creation of God:

*My humble desire is, That this Honourable Councell would be pleased in their prudence to take such a speedy course, that the condemned persons yet alive (who are not guilty of death by the Lawes of God, Nature, or Equity) may be receaved till the Parliament of this Commonwealth hath heard and determined the matter: So shall you find much comfort: Terevab will be with the good.*

And your Petitioner shall pray &c.

SAMUEL CHIDLEY

To the Right Honourable the generall  
Councell for the Army, the humble Propo-  
sals of Samuel Chidley.

Sheweth:

That for as much as the LORD of Lords hath appointed you to be the Heads of the Forces, which he hath mustered up, for the destruction of that Generation of fufull men, who are compacted together, as one man, to establish iniquity by ther Lawes, which they have set up in direct opposition to the LAWES of GOD, and have made use of the Kings of the Earth (as their Names) to protect them in the exercise of their bloody Cruelty; and seeing THE LORD OF HOSTS hath in a great measure subdued your enemies, and that your Swords are not returned empty, It con-

comes you (Right Honourable) to refine your thankfulness by yielding obedience unto **THE STATUTES-LAWES OF GOD**, which at this day in the maine fundamentall parts thereof are trampled upon, by those who have a forme of godlinesse, and deny the power thereof in their practices; as may appeare by their putting of men to death for triviall matters, contrary to the **LAW OF GOD**; for Gods **LAW** saith, *If a Thiefe steal, he shall make restitution out of his effraynes; and if he have nothing, he is to be sold for his Theft; but not killed*: Now although my soule abhors the sinne of Theft; it esteeming the punishment of eternall death before God (how much more the crying sin of Murder?) And though I know not any of them, and (for ought I know) not one of them knowes me; yet because I see no man valiant for God, nor stand to make up the gap, I (for want of a better) am moved in zeal for Gods glory, to cry out against their irrationall and irregular proceedings of men, who set up or maintaine a Flag or Standard of Defiance against their owne consciences, and **THE MOST RIGHTEOUS LAWES OF THE ONEEY LAW-MAKER**; and thus I have endeavoured to shew such a peaceable way, that my transgression of this businesse for God may not savour of any bitterness of spirit in me, against the persons of those men, or contempt of their lawfull authority; who sit in Judgment, and doe erre therein (shall humbly goodwills) but seeing God hath said, *I ha will magnifie his Name*; and make it **HONOURABLE**, And that it hath bene used I concur with him to make choyce of weak instruments; so make hit much knowne; Therefore upon this account was resolved to put forth my selfe, and to light my heart in this businesse; the consequences whereof, when accomplished, will be more then I will speake of at this time; And although I endure some reproaches for it, some sayings, *What a Thiefe is this, to attempt such a work?* and that none but Thieves would do it, yet I am led forward by such a spirit, as (I hope) will so carry me upon the wings of his providence in the managing hereof, that I shall not be discouraged (notwithstanding humane frailty;) And because I have a reasonable opportunity

unity to acquaint your honours with this business, and to crave your assistance, I desire you in the first place to consider my Printed Papers, wherein I have shewed my dislike of putting men to death for stealing, and for the further amplification and enlargement thereof, I desire you to consider of these Positions, *In quibuslibet volumine vestro est: 1. ut*

1. **THAT GOD IS THE ONLY LAW-MAKER**; and that his LAW is the ancientest and the best that ever was, or can be possibly invented by any Parliament, to which all men are bound under paine of damnation: And that whatsoever Lawes and Proceedings are opposite thereto in the smallest measure, are unjust, and the executioners thereof sinners; and by how much the greater the Precept is, by so much the more doer they offend; that violate the Lawes, *ut* I say, *quod est in his*

2. **GOD hath no where given liberty**, but hath prohibited, that the life of any Man should be taken away for stealing; and hath manifested, he would have their lives preserved, therefore to take away their lives is: **A SIN, AND CRYING SIN**; yea, *(I may say)* **A NATIONAL SIN**, for which God hath, and will visit them with his arrows of indignation; yea, the people are so blinded with this corrupt Custome, that they know it not, neither will they understand, but think they do well, and that they shall have peace, though they walk on in darkness; while the foundations of the earth are put of confusion, *ut* *habeo* *quod* *obijciat* And whereas they object, That it is the Law of the Land is put them to death for stealing to the value of a shilling;

3. **Answer**, That no Law is to be observed, if it be against **THE LAW OF GOD**; especially in the taking away of mens lives; yea, God is so far from commanding such Thieves to be put to death, that he requireth their blood at the hands of them that shed it; although done in the very act of breaking through, *ut* *habeo* *quod* *obijciat* *ut* *habeo* *quod* *obijciat*

4. **The putting them to death is expressly against the Law of God**, because it disableth them for ever making satisfaction to the owners of the goods; yea, such is the corruption of the Lawes and Customes of this Land, that he that discovers

discovers the Theefe is bound over to prosecute him, though it be to the taking away of his life; and after hee hath done that, the owner shall sustaine damage nevertheless, and hee can have no more then the life of the Theefe. And some men are so ignorant, cruel, hard-hearted, and revengefull that they will take away the lives of the petty Theeves in revenge, taking an opportunity upon the advantage of the Law to exercise their bloody cruelty upon them.

And thus is the corruption of the Lawes, that if the Theefe steals to the value of 13 s. 4. d. he shall be hanged; as Judge Byron in his cases hath declared; and sometimes their lives are taken away upon a single evidence, whereas there ought to be two witnesses to prove every fact, and one witness ought not to tie up against any man to put him to death; So GOD hath said, whole WORD is a LAW amongst SAINTS, though sinners cast the same behind their backs.

4. **T**His Law of putting poore Theeves to death for stealing, that are not able to make restitution out of their estates, is against GOD'S LAW, because in such cases GOD hath said they shall be sold for their Theft. Now though they are worth some what while they are living, yet when they are dead they are worth nothing, yea a living Dog, is better then a dead Lyon; men would rather in such cases bury dead men, then buy them, and how unjust a thing it is to put them to death, seeing the APOSTLE saith, Let them labour with their hands, let all ratiounall men judge. The APOSTLE saith, they should labour with their hands, no saith the Bench, they shall be hanged, & tie up their hands, and he that hath benefit of Clergy, and can read his necke verse, burne him on the hand; by this he is disabled for the present that he cannot labour with his hand; and if he would, he is forced into a necessity of stealing againe, if no man will let him on worke, which thing men will be cautious to doe, to one that carryeth such a brand of infamy upon him.

5. **T**his murdering Law is the cause wherefore many murders are committed by Robbers in the act of stealing, for the Theeves know it is a hanging matter to steal, and its no more to commit murder, and then for safety of their lives.

lives, and to make sure. Then they commit Murder, for some  
least the party should come and witness against them, to the  
taking away of their lives.

**Q.** This Law is the cause wherefore many Thieves escape,  
and persons comenot into prosecution against them;  
because they find that the remedy would be more then the dif-  
ficultie, for if they prosecute them, they shall be put to a great deal  
of expence and charge, and peradventure the Thieves shall lose  
his life, and the parties their goods, whereas if there were a  
way for restitution by them, there would be more perfecti-  
on of them.

**Obj.** But it is objected, What shall we doe with them?

**Ans.** I answer; He that hath stolen, if the Thiefe be  
found in his hands, is to forfeit the goods, if he have made  
it away, he is to forfeit four fold, and his estate is to be ta-  
ken to satisfy the debt.

**Obj.** But what if he have no estate, it may be he is some poore  
village that is worth nothing?

**Ans.** I answer, He must be sold for his Thiefe.

**Obj.** But who will buy him, no body will be troubled with  
him?

**Ans.** I answer; either the party who hath sustained the  
damage is to take him, or he may be set on worke in our  
owne Country, by Land or by water, being chained up, they  
might worke in Mines, heave Oale, and carry three or four  
hundred a day, or row in Gallies, or be put in Work-  
houses, for to pounce Hemp, or other servile imployment,  
And why cannot we put them to it here, as well as the Hol-  
landers there, till they have made satisfaction, and then put the  
Thieves in such places, which is a hell on earth; where they  
learne to be worse then ever they were before, or they may  
be transported to some of our owne Plantations, where  
some that have been in the like condition transported, have  
soone become honest, and being very ingenious have been  
able to teach the Planters, which maketh the Merchants to  
prize the Thieves farre above the ordinary Vagabonds, or o-  
ther persons that are taken up by the Spirit in the street,  
because they want that ingenuity that the Thieves have, for  
generally

generally the wittiest rogues are the greatest Cut-purses.

Obj. But would not this be great insanny, that men should be sold as slaves?

Ans. I answer to that, They are not sold for ever, but only for their Theft, and its a worse slavery, and a greater insanny indeed, to take away their lives.

Obj. But what if they run away?

Ans. Then they contract upon themselves a double debt.

Obj. But what if they will not worke?

Ans. They must not eate, and before such a one will dye for hunger, doubtlesse he will eate the flesh, of his arme, and before he will eate his owne flesh it may be he will worke, hunger will breake through stone walls, and if any thing force him to worke, this wil, for his belly requires it, of him, but if he will perish let him perish, his owne blood is upon his owne head, and the Common-wealth is discharged of it.

Such c. u. ses as these would be a meanes to terrifie the Thieves, and suppress the Theft for many of them would rather be hanged; but if a man would be hang'd, he must not have his desire, unless the Law requireth it, so though Thieves chuse to dye against the Law of God, rather then to live according to it, they must be kept alive notwithstanding, and set hard at worke to earne their bread, and the over-plus must pay for their Theft; and then if any (as I hope many) will be converted in this their captive condition, O how will they blisse the time that ever such compulsion was used, whereby they learned to know themselves, and to remember their Creator: and he that is an instrumentall meane of converting one poore Sinner, shall have no cause to be sorry for it in the day of Accompt.

7. **A** Nother abuse in the proceedings of the Law of this Land is, that whereas GODS LAW requireth that the Witnesses should be Executioners of death on their Malefactor, a Condemned Executioner doth it, who is the notorious Rogne that can be found, and one that knowes nothing of the businessse, whether he, whom he hangs be an honest man, or a knave; he will hang a Martyr as well as a Thiefe, but doubtlesse he hath a check of Conscience as wel



as his Masters, else why will he aske them forgiveness be-  
fore he turnes them off? Now all that can be alledged for  
the Hang-man is, He doth but his Office, he is but an Exe-  
cutioner of the Law, and Sentence. And the like the Judges  
doe asledge for themselves, Alas, (say they) what can we  
doe, we are but the Executioners of the Law of the Land, and  
till the Parliament alter the Law, we must observe our ordi-  
nary Rules; Why doe you come to us? what would you  
have us doe? we have no power!

But Judges ought to be men of courage, fearing God, and having  
conscience, and such as will observe GODS LAWES, and  
judge according to HIS STATVTE BOOKE, and by  
THE LAWES OF GOD. No Executioner ought to  
inflict death upon any man, unlesse he in the execution of  
him be satisfied in his owne Conscience, that the man ought  
to dye, else he is a Murderer after a manner, though the Of-  
fender deserveth death; yet if a man be not convinced of  
it, he ought not to put him to death, by any command what-  
soever, and if the Witnesses will not doe it, they must be  
severely dealt with.

This is my opinion, which I humbly submit to the con-  
sideration of those who have more understanding then my  
selfe.

2. **A** Nother Abuse which I finde in the proceedings of the  
Law, is in the Pressing men to death, because they will  
not hold up their hands at the Barre, or say they are guilty,  
or not guilty, upon which circumstantiall Necessity, they  
Condemne them to be Pressed in such a Tyrannicall manner,  
that the very sentence it selfe is enough to terrifie the poore  
Creatures, and make them open their mouths to confesse  
their owne guiltinesse, or else to lye against their owne con-  
science.

Obj. But is objected, That they are pressed to death within halfe  
an houre at the most, and that they are not kept in such a lingering con-  
dition, according to the sentence?

Ans. I answer, If they put them to death before their  
time, herein they goe beyond their Commission; but indeed  
the Executioners doe it out of compassion to the Condem-  
ned,

ned,



ned to dispatch him out of his torment ; something like to a  
Physitian, that will give his Patient something in pray, to  
rid him out of his paine, because he beleeveth he must dye,  
and cannot escape his fit of Sicknesse, To making more hast  
then good speed.

Now the proceedings against such Malefactors, who will  
not hold up their hands, and plead, in without examination  
of Witnesses, yet they will take his life away *Pro confesso*; but  
by what Law I know not, unlesse a Law of Antichrist; I am  
sure such precepts came neither from Mount Zion, nor Mount  
Sinai, there have our stripped Herod, and Pontius Pilate, the  
Gentiles that knew not the Law, did not compell men to  
sweare, by saying not guilty, when they were guilty; nor to  
goe against the Law of Nature, to accuse themselves by con-  
fessing their owne guilt; but of all cruelty there is none like  
that of Antichrist, the Man of Sinne, and that Beast with se-  
ven Heads, and ten Hornes, spoken of in Revel. 13. and they  
exercise it upon their owne brethren, even the Members of  
their Church. Thus the crowned Locusts in the midst of  
Egyptian darknesse are a plague to the men of the earth.

But the way to try a Thiefe is to examine the witnesses,  
and if they prove matter of fact, the Judge is to declare,  
how much he must pay, and to command that Law to be  
put in execution; that his estate should be seized, and if it will  
not satisfie, he must deliver up his person, not so much as to loose  
a limb, or any member of his body, but to goe immediately  
to the Work-house, or place where he may be safely kept  
with sufficient food, and work enough, as much as he is able  
to doe, and ply it constantly early and late every day (Lords  
day excepted) and to have sufficient time to sleep and rest; and  
when they have wrought out their Thiefe, then to be freed  
& if they steal again, to serve them in the same kind; as if the  
Thiefe steale a 100*li*. he should pay 200*li*. if it be found with  
him, but if he have spent the money he shall pay 400*li*.

If this course were well followed, *Thieves* would lose  
many Customers, for it would much abate the number of  
Thieves, and Murderers.

My desire is, That your Honours would move the Parlia-

ment to put GODS LAW in execution concerning this thing, and what it is I have declared before.

It hath been desired that Lawes should be drawne up from GODS WORD, for the Government of this Nation, but unlesse the Parliament will bee pleased to confirme them, what ate wee the better? ordinary men cannot impose, all they can doe is onely to propose, onely God hath declared, *His Testimonies must be bound up, and his Law sealed amongst his Disciples.* But others doe take upon them to make Lawes besides, and contrary to THE LAWES OF GOD; Moreover, if the Parliament should countenance such a thing, that certain men should be appointed to draw up Lawes according to THE LAWES OF GOD, it will aske a great deale of time; and it is a work that the wisest and holiest men in the world, will find too great for them to undertake to doe without errors, unlesse they were infallibly inspired by THE HOLY GHOST. *Moses was in the Mount with God forty dayes and forty nights, and neither ate nor dranke; and forty daies and forty nights after that likewise;* Neither do we read, that he saw sleep with his eyes in all that time; and after he wrote the Lawes, and Precepts for all Israel, with the Statutes and Judgements, He was therein guided by the immediate direction of the Spirit of God infallibly, and how long he was writing them wee know not, but they are very full and brief, and very sufficient for the Government of that Nation, Neither had any Nation *such an excellent Law as Israel had;* Neither was there so excellent a Government amongst any people, as amongst the people of the Jews, so long as they forsooke not the Law of the Lord, nor cast aside the word of the Holy one of Israel; their chief City was called the City of Righteousnesse, the faithfull City, righteousness lodged in it; their Judges and Counsellors were Gods, and Children of the most High, because the word of God was committed unto them, Now it may be it will bee a long time before the Parliament will establish THE LAWES OF GOD, or give way for Lawes to be imposed upon this Nation, which are suitable thereunto; and when such a worke is set upon, it will be long before it be accomplished, for whosoever taketh it upon them, must devote themselves wholly to the worke, and when they have used  
their

their best indeavours, a wonder it will be if the Lawes they draw up, with manner of proceedings, will be so perfect that they need no amendments, in respect of matter and form; and a long time will be spent in debate, before such a work be admitted to be attempted; And therefore I humbly conceive, that it is meet, that this businesse concerning the preservation of the petty Theeves should be concluded now with all speed, being out of controversie, and afterwards to doe the rest according as time, and opportunity will afford. For this doth concern LIFE which is above Person, Name, Liberty, and Estate; And THIS THING being done will render the Antichristian Priests and lying Lawyers, the basest of men, who have lived upon the souls and bodies of men, and have not had the fear of God before their eyes, but have made their belly God, and their glory in their shame, and shall be destruction, and their unless they repent. And as a testimony of the truth of God, in this particular, I set to my hand this 31 of Decem. 1651.

SAMUEL CHIDLEY.

A Letter written to the Regulators of the Law, appointed by the Parliament, and sent, and presented to that Committee.

Honourable Gentlemen:

FOR as much as you are appointed by the Parliament to consider of the Inconveniencies, Mischiefes, Chargeablenesse, and Irregularities in your Law, and that you have professed your willingness to receive whatsoever persons have to offer in relation thereunto: I hold it meet to present you with these Inclosed papers, which peradventure may be a meanes to shorten your seven yeares tedious worke, and wherein you may observe that I have indeavoured to discharge my conscience before all: witnessing against that hatefull sinne of putting men to death meereley for Theft, although THE GOD OF NATURE doth teach a contrary Lesson: But who is so blind as those that will not see? Surely covetousnesse is the root of all evill, and gifts destroy the heart, and blind the eyes of the wise, and pervert the judgement of the righteous, and men in the greatest places, are the greatest unbelieveers, for they have not so much faith as to trust GOD

with their substance, but use indirect meanes to make uncertaine riches certaine; as may appeare by their putting Theeves to death for stealing.

Now when I found so little fruit in the Magistrates of the City of London, as you may see by my printed relations, I was sorry that my indeavours produced no better effect amongst them, whose Predecessors have alwayes been very forward to put the Lawes of man in execution, though they were never so ridiculous, and contrary to reason and Religion.

I sent, and went unto others, whom it likewise principally concerned, even to those who are called the learned Judges of the Law, and declared my judgement to as many of them as I could meet with, that they might not suffer their mouth to cause their flesh to sinne, by pronouncing unjust murdering sentences.

I went downe also to the Sessions, but I could gather no Grapes of Thornes.

And after I had delivered a Letter to the Lord President Bradshaw, to be presented unto the Councell of State; I remembered that the Officers of the Army were men professing great things, for the advancement of Gods glory; so I presented some Humble Proposals to those Honourable Gentlemen, which were well received by them, a Copy of which I have sent you here inclosed with this Petition, which should have been presented to the House, but some of the Members conceived the business to be proper for you to take Cognizance of, because you are appointed to consider, and make Report of the evils of your Law, for reformation thereof; therefore you ought to cry out against Murder before you doe any thing else, for this concerneth mens lives; the best of your actions therein in my judgement having been at the most but a Tyrbing of Mint, Anis, and Cummin, and you have neglected Mercy, one of the weighty matters of the Law, for I am verily perswaded, that it was in your powers to have put a stop to the murdering of those men which were hanged at Tiburne the last Sessions, for stealing five shillings and six pence; I hoped that you would have gone to the

root, and not crote only the Branches of wicked Lawes; I am angry, and grieved at the heart, that you should so dally in *Cad's matters*, as not to acquaint the House with such a grosse, unmatrall, inhumane practise of the Law, as killing of the petty Theever. I desire the LORD to give you repenting and relenting hearts, for doing his worke so negligently, to value mens lives no more; for it is a shame, and shame, that the Land should still be defiled with more blood, and how you can answer it in the day of Accompt, for not preventing such mischief, when you knew how to doe it, and had an opportunity in your hands, I know not; in my opinion, if you follow your worke never so close, if you omit this businesse of weight, you will make a long harvest of a little fruit; no doubt but the time will be long before you have swimm'd through the Ocean Sea of your troublesome Lawes, for what is the Chaffe to the Corne? or the heap of Ashes to the sparke that's hid under it? May not the Parliament by the West Wind of their Legislative Power, blow such combustible stubble away? You sit as Refiners, but time is precious, and dross is not worth the labour of refining, and a leaden Law is too heaive for an honest heart, and we ought not to thinke that such a Law, because it is a Law, will be a sufficient excuse to the Executioners thereof, so long as it is Idolatrous, prophane, rebellious, bloody, Adulterous, Theevish, lying, and coverous; certainly that Law cannot be good, that forceth all men to preferre the meanest thing before the greatest; (that is,) a little wicked Mammon with an Idolatrous badge upon it, before a mans precious life; *Salomon* esteemed more of a living Dogge, then those who have killed men meerly for stealing, have (or had) of living men. Now if God doe touch your hearts, and make you thoroughly sensible of the abominations of the time, and set you in a mourning posture, that you may bewaile your neglect in suffering the poore Theeves to be put to death, when it was in your power to have prevented it; then you may the better goe on, like *Jesab's* men, whom he set to spy out the abominations in the Land, and set up a sign, whereforever you finde a bone of *Haman-gog* unburied,

buried, and go on, and let the Nation know the Idolatry, and Superstition of their Law, and its prophane-ness, and the Sabbath-breaking thereof, the rebellion of their Law, the Murder of their Law, the Adultery of their Law, the Theft of their Law, the lying of their Law, and the covetousness of their Law, and lastly, the uncharitableness of their Law, which is the end thereof, and so I end.

From my Mothers house in *Tours (and the Common-wealths Servants) in all lawfull things.*  
*Super. Lane. London.*  
 Febr. 25. 1651.  
 Samuel Chidley.

**READER,**

**W**Here are they that are valiant for the Truth, and will do the most of the Lord diligently? If thou hast any spark of love or zeal to maintaine the wonderful Statutes of God, which my soul keeps; I charge thee, as thou wilt answer before the Tribunal Seate of Gods eternal vengeance, That thou hinder not the publication of this to all persons who have an eare open to hear, neither conceal this precious Truth, which will maintaine him, that maintaineth it, and bring him in to more acquaintance with God. For doubtlesse the standing for the Statutes and Judgements of the holy and blessed God, is a most blessed work, and the establishment thereof in this Nation will work a more blessed Reformation, then yet hath been, or shall be spoken of at this time.

**FINIS.**

